

Message Text

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ACTION VOE-00

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P 051854Z AUG 76

FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC PRIORITY 9548

UNCLAS PORT OF SPAIN 2020

E.O. 11652: NA

TAGS: CVIS TD

SUBJECT: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION
101(B)(1)(B) - 22 CFR 42.1, NOTE 2.3

REF: STATE 188437

RESPONSE TO PARAGRAPHS 4 THROUGH 8 PER REFTEL FOLLOWS:

4. APPROXIMATELY 200 ANNUALLY.

5. USUAL EVIDENCE ACCEPTED CONSISTS OF AFFIDAVITS AS ANY
OTHER RECORDS USUALLY NOT REPEAT NOT AVAILABLE. LOCAL
JUDICIAL OR ADMINISTRATIVE ADJUDICATION NOT REQUIRED
AS MOST APPLICANTS CAN OBTAIN IS AFFIDAVIT SWORN TO
BEFORE A COMMISSIONER OF AFFIDAVITS AT LOCAL CIVIL
RECORDS OFFICE. ANYONE WILL SIGN A AFFIDAVIT WHETHER
HE KNEW FACTS OR NOT.

6. UNABLE DETERMINE FRAUD. MOST CASES HOWEVER ARE WIDE
OPEN TO FRAUD BECAUSE OF UNAVAILABILITY OF SCHOOL,
CHURCH OR OTHER CIVIL RECORDS NORMALLY USED TO
ESTABLISH RELATIONSHIP (OTHER THAN BIRTH CERTIFICATE
AND MARRIAGE RECORD).

7. LOCAL LAW PROVIDES FOR LEGITIMATION OF CHILD ONLY
THROUGH MARRIAGE OF PARENTS.

8. EMBASSY RECOMMENDS AGAINST CHANGE CONTEMPLATED
FOR CLAUSE (D) AS LOCAL RECORDS UNAVAILABLE FOR
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ANY LOGICAL SUGGESTION TO ALLEVIATE FRAUD PROBLEM.

THE PRESENT STEPCHILD/STEPPARENT RELATIONSHIP POSSIBLE THROUGH WIFE OF NATURAL FATHER IS A CONSTANT SOURCE OF FRAUD WHICH CANNOT BE ESTABLISHED BY CONSULAR OFFICER AND PROBLEM WOULD BE COMPOUNDED IF NATURAL FATHER/CHILD RELATIONSHIP WERE SUFFICIENT. OFTEN PARENTS HAVE CHILDREN BY MORE THAN ONE PARTNER; SUCH CHILDREN USUALLY NOT RAISED BY EITHER PARENT, ALTHOUGH UNWED MOTHERS WHO RAISE CHILDREN OUTNUMBER NATURAL FATHERS WHO RAISE THEM. CUSTOM IS TO LEAVE CHILD WITH GRANDMOTHER, OTHER FEMALE RELATIVE OR A FRIEND OR NEIGHBOR CALLED "GUARDIAN". THIS OCCURS ANYWHERE FROM BIRTH TO EARLY TEENS, AT WHICH TIME CHILD IS OFTEN "GIVEN" ANOTHER NAME WHICH HE CONTINUES TO USE IN SCHOOL. SOMEWHERE BETWEEN AGE 5 AND 20 THE NATURAL PARENT DECIDES TO SEND FOR CHILD OR CHILDREN TO RESIDE WITH THEM IN AMERICAN "TO BETTER HIS OR HER EDUCATION." PARENT MAY OR MAY NOT HAVE FULFILLED HIS OBLIGATIONS AS A PARENT THROUGH SUPPORT OR GUIDANCE, BUT CAN ALWAYS OBTAIN SWORN STATEMENTS ATTESTING THAT HE WAS A MOST DILIGENT PARENT AND SUPPORTED CHILD IN ALL RESPECTS FROM OTHER PARENT, GRANDPARENTS, GUARDIANS, RELATIVES, CHURCH, SCHOOL AND OTHER LOCAL AUTHORITIES. HOWEVER, NO RECORDS ARE KEPT TO PROVE OF DISPROVE STATEMENTS. AT TIMES A RECEIPT OR TWO ARE PRESENTED WHICH INDICATE PARENT SENT A FEW DOLLARS OCCASIONALLY. TO COMPOUND PROBLEM, ABOUT 8 OF 10 BIRTH CERTIFICATES DO NOT GIVE CHILD A NAME, OTHER THAN "BOY" OR "GIRL", AND MOTHER'S NAME ON BIRTH CERTIFICATE IS ONE SHE "ACQUIRED" INSTEAD OF ONE IN HER OWN BIRTH CERTIFICATE. IF CHILD IS ILLEGITIMATE, MOTHER'S MAIDEN NAME APPEARS ON BIRTH CERTIFICATE BUT CHILD IS FREQUENTLY RAISED USING NATURAL FATHER'S LAST NAME IN SPITE OF FACT THAT HE NEVER KNEW FATHER.

PRESENT IMMIGRANT VISA WORKLOAD EXTENDS STAFF TO THE MAXIMUM. IF SECTION "D" WERE CHANGED AS CONTEMPLATED, WITH RESULTANT NECESSITY FOR VERIFYING NATURAL FATHER/ UNCLASSIFIED

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CHILD RELATIONSHIPS IN SPITE OF VIRTUAL IMPOSSIBILITY OF DETECTING FRAUD, AND WITH DERIVATIVE PRIORITY DATES FOR THOSE CASES WHICH ARE ESTABLISHED, POST COULD NOT CONTEND WITH INCREASED WORKLOAD WITHOUT 50 PERCENT INCREASE IN STAFF. ADDITIONALLY, NEW CASES WITH OLD PRIORITY DATES EMERGING ON LOCAL SCENE BOTH HERE AND THROUGHOUT WESTERN HEMISPHERE WOULD PRESUMABLY EXTEND WAITING TIME TO APPROXIMATELY TWICE THE PRESENT TIME.

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